

Order

Michigan Supreme Court
Lansing, Michigan

October 28, 2011

Robert P. Young, Jr.,
Chief Justice

141101(41)

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

CHARLES WILLIAMS,
Plaintiff-Appellee,

v

SC: 141101
COA: 290255
Wayne CC: 08-014804-NO

CITY OF DETROIT,
Defendant-Appellant.

On order of the Court, the motion for peremptory reversal is considered, and it is GRANTED. Pursuant to MCR 7.302(H)(1), in lieu of hearing oral argument on the application, we REVERSE the February 25, 2010 judgment of the Court of Appeals, and we REINSTATE the January 22, 2009 order of the Wayne Circuit Court granting summary disposition to the defendant. The plaintiff was not injured on a sidewalk or a trailway “on the highway” as required by MCL 691.1401(e) to avoid governmental immunity. See *Duffy v Michigan Dep’t of Natural Resources*, 490 Mich 198, 202, 220-221 (2011). Accordingly, the highway exception to governmental immunity does not apply under the facts of this case, and the defendant is entitled to summary disposition.

MARILYN KELLY and HATHAWAY, JJ., would deny the motion for peremptory reversal.



d1025

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 28, 2011

Corbin R. Davis

Clerk